

1 **VINCENT** *House* BILL NO. 634
 2 INTRODUCED BY *William Peterson MUR -*
 3 *Kenneth Murphy* *Hennrich Palmer Bradley Freely*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO IMPOSE A TAX ON *Suebeck*
 5 HOLDERS OF WASTE WATER DISCHARGE PERMITS AND DIRECTING THAT *Hessard*
 6 THE REVENUE SO RAISED BE SPENT TO IMPLEMENT THE PROVISIONS
 7 OF THE NONGAME AND ENDANGERED SPECIES CONSERVATION ACT;
 8 AMENDING SECTION 26-1802, R.C.M. 1947."

9 *Harper, Daniel Sheldon*

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 26-1802, R.C.M. 1947, is amended to
 12 read as follows:

- 13 "26-1802. Definitions. As used in this act:
- 14 (1) "department" means the department of fish and game;
 - 15 (2) "director" means the director of the state
16 department of fish and game;
 - 17 (3) "commission" means the fish and game commission;
 - 18 (4) "ecosystem" means a system of living organisms and
19 their environment, each influencing the existence of the
20 other and both necessary for the maintenance of life;
 - 21 (5) "endangered species" means any species or
22 subspecies of wildlife actively threatened with extinction
23 due to any of the following factors:
 - 24 (a) the destruction, drastic modification, or severe
25 curtailment of its habitat, or

- 1 (b) its overutilization for scientific, commercial or
2 sporting purposes, or
- 3 (c) the effect on it of disease, pollution, or
4 predation, or
- 5 (d) other natural or man-made factors affecting its
6 prospects of survival or recruitment within the state, or
- 7 (e) any combination of the foregoing factors. The
8 commission shall have authority to recommend that the
9 legislature include any species or subspecies of fish and
10 wildlife appearing on the United States' list of endangered
11 native fish and wildlife as it appears on the effective date
12 of this chapter (part 17 of title 50 of the Code of Federal
13 Regulations, appendix D) as well as any species or
14 subspecies of fish and wildlife appearing on the United
15 States' list of endangered foreign fish and wildlife (part
16 17 of title 50 of the Code of Federal Regulations, appendix
17 A), as such list may be modified hereafter;
- 18 (6) "management" means the collection and application
19 of biological information for the purposes of increasing the
20 number of individuals within species and populations of
21 wildlife up to the optimum carrying capacity of their
22 habitat and maintaining such levels. The term includes the
23 entire range of activities that constitute a modern
24 scientific resource program including, but not limited to,
25 research, census, law enforcement, habitat acquisition and

1 improvement, and education. Also included within the term,
2 when and where appropriate, is the periodic or total
3 protection of species or populations as well as regulated
4 taking;

5 (7) "nongame wildlife" means any wild mammal, bird,
6 amphibian, reptile, fish, mollusk, crustacean or other wild
7 animal not otherwise legally classified by statute or
8 regulation of this state. Animals designated by statute or
9 regulation of this state as predatory in nature are not
10 classified as "nongame wildlife" for purposes of this act;

11 (8) "optimum carrying capacity" means that point at
12 which a given habitat can support healthy populations of
13 wildlife species, having regard to the total ecosystem,
14 without diminishing the ability of the habitat to continue
15 that function;

16 (9) "person" means any individual, firm, corporation,
17 association or partnership;

18 (10) "take" means to harass, hunt, capture, or kill or
19 attempt to harass, hunt, capture, or kill wildlife;

20 (11) "wildlife" means any wild mammal, bird, reptile,
21 amphibian, fish, mollusk, crustacean or other wild animal or
22 any part, product, egg or offspring or the dead body or
23 parts thereof.

24 (12) "permittee" means a holder of a waste water
25 discharge permit issued by the department of health and

1 environmental sciences under authority of Title 69, chapter
2 48, but does not include municipalities, holders of permits
3 authorizing a discharge of not more than 500,000 gallons per
4 day, or holders of permits authorizing discharge of cooling
5 water only."

6 Section 2. There is a new R.C.M. section numbered
7 26-1810 that reads as follows:

8 26-1810. Earmarked revenue fund account. There is an
9 account in the earmarked revenue fund to which all fees
10 collected under section 26-1811 shall be deposited and from
11 which all appropriations for the funding of programs under
12 this chapter shall be paid.

13 Section 3. There is a new R.C.M. section numbered
14 26-1811 that reads as follows:

15 26-1811. Waste water discharge tax. In addition to all
16 other licenses, fees, and taxes imposed by law, all
17 permittees shall pay a tax of one-eighth cent (\$.00125) per
18 thousand (1000) gallons a day of authorized discharge
19 allowed by their waste water discharge permit.

20 Section 4. There is a new R.C.M. section numbered
21 26-1812 that reads as follows:

22 26-1812. List of discharge permit holders. Within six
23 (6) months of the effective date of this act the department
24 of health and environmental sciences shall transmit to the
25 department of revenue a list of all permittees giving the

1 name, address, and quantity of authorized discharge. The
2 department of health and environmental sciences shall
3 thereafter update this list annually. Upon receipt of this
4 list the department of revenue shall compute the amount due
5 and collect that amount annually for deposit in the account
6 in the earmarked revenue fund created by section 26-1810.
7 The department of revenue may promulgate rules necessary to
8 collect this tax.

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